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Forty-sixth session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the Economic and Social Council".

2. At the same meeting, the General Assembly decided to allocate to the Third Committee chapters of the Council's report 1/ that were considered under the relevant items of the agenda (see A/C.3/46/1).

3. The Third Committee considered item 12 at its 27th, 30th, 35th, 53rd and 55th meetings, on 31 October, 5 November, 8 November, 27 and 29 November 1991. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/46/SR.27, 30, 35, 53 and 55).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Economic and Social Council for the year 1991 (A/46/3 and Add.1);

1/ To be issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 3 (A/46/3/Rev.1).

(b) Letter dated 12 September 1991 from the representatives of Hungary and of Ukraine to the United Nations addressed to the Secretary-General (A/46/467);

(c) Letter dated 1 October 1991 from the Permanent Representative of Ghana to the United Nations addressed to the Secretary-General (A/46/520);

(d) Letter dated 9 October 1991 from the Permanent Representative of Congo to the United Nations addressed to the Secretary-General (A/46/555).

II. CONSIDERATION OF PROPOSALS

A. Draft decision A/C.3/46/L.23

5. At the 30th meeting, on 5 November, the representative of Sweden introduced draft decision A/C.3/46/L.23 entitled "Non-governmental organizations", sponsored by Bulgaria, Burundi, Chile, Costa Rica, Cuba, Cyprus, Ethiopia, France, Greece, Iraq, Ireland, Lesotho, the Libyan Arab Jamahariya, Nicaragua, Oman, the Philippines, the Sudan, Sweden and the Union of Soviet Socialist Republics.

6. At its 35th meeting, on 8 November, the Committee adopted draft decision A/C.3/46/L.23 without a vote (see para. 13, draft decision I).

7. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement.

B. Draft resolution A/C.3/46/L.62

8. At the 53rd meeting, on 27 November, the representative of Chile introduced draft resolution A/C.3/46/L.62 entitled "Social development" sponsored by Algeria, Argentina, Austria, the Bahamas, Bangladesh, Belarus, Bolivia, Brazil, Bulgaria, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Mongolia, Morocco, the Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Samoa, Senegal, Spain, Suriname, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, the Union of Soviet Socialist Republics, Uruguay, Vanuatu, Venezuela, Yugoslavia and Zimbabwe; subsequently, India joined in sponsoring the draft resolution.

9. At the 55th meeting, on 29 November, the Committee adopted draft resolution A/C.3/46/L.62 without a vote (see para. 12).

10. At the same meeting, the representative of the United States of America made a statement.

11. On the recommendation of the Chairman, the Committee adopted a draft decision on the report of the Economic and Social Council (see para. 13, by draft decision II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Social development

The General Assembly,

Recalling Economic and Social Council decision 1991/230 of 30 May 1991,

Taking note of the general debate during the forty-sixth session of the General Assembly,

Mindful of paragraph 42 of the Declaration of the Foreign Ministers of the Group of 77, 2/ adopted on 30 September 1991 which states: "The Ministers reiterated the importance of social matters within the system of the United Nations. They stressed the need for a concerted effort by developing countries to coordinate and harmonize their positions in this area. In this regard, the Ministers welcomed the possibility of convening a world summit for social development",

Taking into account the debate in the Third Committee on the item entitled "Social development" and the widespread support expressed for the world summit for social development and for the consultations under way,

Taking note of the statements delivered by the Director-General for Development and International Economic Cooperation and Development and the Director-General of the United Nations Office at Vienna and Head of the Centre for Social Development and Humanitarian Affairs, before the Third Committee of the General Assembly at its forty-sixth session,

Recalling resolution 42/125 of 7 December 1987, which endorsed the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, 3/

2/ A/46/520, annex.

3/ E/CONF.80/10.

Recalling also resolution 44/65 of 8 December 1989, which reaffirmed the validity of the Guiding Principles as an appropriate framework for future action in the field of social welfare and development,

Mindful of the Declaration on Social Progress and Development, proclaimed by the Assembly in its resolution 2542 (XXIV) of 11 December 1969,

Conscious of the increasing international awareness of economic and social factors as important components of peace and security,

1. Welcomes Economic and Social Council decision 1991/230, which requests the Secretary-General to carry out consultations with all Member States on the possibility of convening a world summit for social development and to report to the regular session of the Council of 1992;

2. Also welcomes the decision of the Secretary-General to appoint a special representative to carry out these consultations on his behalf, and invites the Special Representative to take due note in his report to the Secretary-General of the points of view expressed in the General Assembly and in the Third Committee on the world summit for social development;

3. Calls upon Governments to cooperate fully with the Secretary-General and his Special Representative by participating actively in these consultations;

4. Requests the concerned organs, organizations and programmes of the United Nations system to assist the Secretary-General and his Special Representative in these consultations, as appropriate;

5. Calls upon the Economic and Social Council, after considering the report of the Secretary-General requested by Council decision 1991/230, to make an appropriate recommendation to the General Assembly at its forty-seventh session.

* * *

13. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Non-governmental organizations

The General Assembly, taking note of Economic and Social Council decision 1991/219 of 22 May 1991, requests the Economic and Social Council to review at its regular session of 1992, the conditions necessary for the effective functioning of the Non-Governmental Organizations Unit.

DRAFT DECISION II

Report of the Economic and Social Council

The General Assembly takes note of the relevant chapters of the report of the Economic and Social Council. 4/

4/ To be issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 3 (A/46/3/Rev.1).

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Forty-sixth session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

I. INTRODUCTION

1. The Third Committee considered the question of the rationalization of the work of the Third Committee at its 2nd, 58th and 60th meetings, on 2 October, and 10 and 11 December 1991. An account of the Committee's discussions of the question is contained in the relevant summary records (A/C.3/46/SR.2, 58 and 60).

2. At its 2nd meeting, on 2 October 1991, the Third Committee decided to establish an informal open-ended Working Group on the Rationalization of the Work of the Third Committee, under the Chairmanship of Mr. Florian Krenkel (Austria), to consider outstanding issues on the rationalization of the work of the Third Committee and to submit a draft biennial programme of work for the Third Committee for 1992-1993.

3. The Working Group met on 25 and 31 October and on 4 and 5 December 1991.

4. At the 58th meeting, on 10 December, the Committee had before it the report of the Working Group on the Rationalization of the Work of the Third Committee (A/C.3/46/L.68).

5. At the 60th meeting, on 11 December, the Secretary of the Committee informed the Committee of the revisions to the text in the light of the adoption of draft resolution A/C.3/46/L.61/Rev.1 and the draft resolution in section II.A of document A/46/703, and draft resolution A/C.3/46/L.67. The

Secretary of the Committee also added a report of the Ad Hoc Working Group of Experts on Southern Africa (Economic and Social Council decision 1991/237).

6. At the same meeting, the Committee approved the recommendations of the Working Group as contained in its report (A/C.3/46/L.68), as orally revised (see para. 7).

II. RECOMMENDATION OF THE THIRD COMMITTEE

7. The Third Commtitee recommends to the General Assembly the adoption of the following draft resolution:

Rationalization of the work of the Third Committee, including the biennial programme of work of the Committee for 1992-1993

The General Assembly

1. Takes note of the report of the Working Group on the Rationalization of the Work of the Third Committee; 1/

2. Reaffirms the recommendations on the rationalization of the work of the Third Committee contained in General Assembly resolution 45/175 of 18 December 1990 and recommends further measures on the organization of its work, as outlined in annex I to the present resolution;

3. Approves the biennial programme of work of the Third Committee for 1992-1993, as contained in annex II to the present resolution;

4. Requests the Secretary-General to draw up the provisional agenda for the Third Committee of the General Assembly at its forty-seventh session in accordance with the present resolution.

ANNEX I

FURTHER MEASURES FOR THE RATIONALIZATION OF THE WORK OF THE THIRD COMMITTEE

A. Guidelines concerning time-limits and number of statements by delegations and Secretariat officials

1. In accordance with rule 106 of the rules of procedure of the General Assembly and paragraph 22 of decision 34/401 on the rationalization of the procedures and organization of the General Assembly, at the beginning of each session, the Chairman should propose to the Third Committee the limitation of the time to be allowed to speakers.

1/ A/C.3/46/L.68.

2. Further to General Assembly resolution 45/175 of 18 December 1990, on the rationalization of the work of the Third Committee, statements made by delegations or on behalf of groups of delegations and by Secretariat officials, unless decided otherwise by the Committee at the beginning of the session, should not exceed 15 minutes. This time-limit will have to be applied with a degree of flexibility towards all speakers. With a view to saving time, all speakers are encouraged to exercise self-discipline, in particular delegations associated with group statements. For practical reasons, group statements are encouraged for the first day of the discussion of an item or sub-item. In this connection, it is important to emphasize the timely distribution of documentation in accordance with the rules of procedure of the General Assembly, in order to enable delegations to inscribe themselves on the list of speakers at an early stage.

Introductory statements by Secretariat officials

3. In addition to the provisions contained in General Assembly resolution 45/175 concerning introductory statements by Secretariat officials, introductory statements should be made at the beginning of the discussion of an item.

Statements under items entitled "Elimination of racism and racial discrimination" and "Right of peoples to self-determination"

4. In accordance with General Assembly resolution 45/175, the above items are to be discussed jointly.

5. Delegations wishing to make two separate statements, i.e., one on each of the above items may do so.

Statements under the item entitled "Social development"

(a) Questions relating to the world social situation and to youth, ageing, disabled persons and the family;

(b) Crime prevention and criminal justice.

6. In accordance with General Assembly resolution 45/175, sub-items (a) and (b) are to be discussed separately.

7. Delegations wishing to make two separate statements under sub-item (a) may do so.

Statements under the item entitled "Human rights questions"

(a) Implementation of human rights instruments;

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

(c) Human rights situations and reports of special rapporteurs and representatives.

8. In its resolution 45/175, the General Assembly recommended that sub-item (a) be discussed separately, and sub-items (b) and (c) be discussed jointly.

9. Delegations wishing to make two statements under this item may do so, but no statement should be made on any of the sub-items twice.

B. Introduction of draft resolutions

10. Introductory statements of draft resolutions should be as brief as possible.

C. Draft resolutions on reports of treaty bodies and reports of the Secretary-General on the status of those treaties

11. Reports of all treaty bodies will, in accordance with their respective legislative mandates, be submitted to the General Assembly annually. Substantive resolutions on those reports should be adopted biennially, in accordance with the programme of work of the Third Committee. Where possible, it is recommended that separate draft resolutions on the status of the treaties not be submitted but incorporated in the draft resolution relating to the report of the treaty body. In alternate years, the Committee should simply take note of the reports unless more substantive action is deemed appropriate.

D. Draft proposals emanating from subsidiary organs of the Economic and Social Council

12. The Economic and Social Council, in transmitting draft proposals to the General Assembly should, to the extent possible, bear in mind the programme of work of the Third Committee.

E. Organization of work

13. An informal meeting of the Third Committee should be held immediately after the election of the members of its Bureau in order to consider the programme of work of the Third Committee based on a draft to be prepared by the Secretariat and to consider other organizational aspects relating to the Committee's work, especially the status of documentation.

14. The items allocated to the Third Committee during the forty-seventh session of the General Assembly should be taken up in the following order:

Item 2. Elimination of racism and racial discrimination 2/

Item 3. Right of peoples to self-determination 2/

Item 4. Social development

(a) Questions relating to the world social situation and to youth, ageing, disabled persons and the family; 3/

(b) Crime prevention and criminal justice 3/

Item 5. Advancement of women

Item 6. Narcotic drugs

Item 8. Human rights questions

(a) Implementation of human rights instruments; 4/

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms 5/

(c) Human rights situations and reports of special rapporteurs and representatives 5/

2/ Items 2 and 3 to be discussed jointly.

3/ Sub-items (a) and (b) to be discussed separately.

4/ Sub-item (a) to be discussed separately.

5/ Sub-items (b) and (c) to be discussed jointly.

Item 7. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions:

(a) Report of the United Nations High Commissioner for Refugees 6/

(b) Questions relating to refugees, returnees and displaced persons 6/

(c) Humanitarian questions 6/

Item 1. Report of the Economic and Social Council [item 12]

15. This arrangement may be reviewed at the Third Committee's organizational meeting, particularly in the light of the status of documentation at that time.

F. General guidelines regarding the preparation and submission of draft resolutions

16. In drawing up draft resolutions, delegations are requested to adhere to the programme of work of the Third Committee agreed to in General Assembly resolution 45/175 and as reproduced below.

17. If a report is deemed necessary, clear indications should be given in the draft resolution regarding the contents, scope and nature of the report requested.

18. Delegations should be urged not to request the inscription of a separate item on the agenda of the Third Committee of the General Assembly if the subject-matter can be dealt with under the existing agenda items indicated in General Assembly resolution 45/175.

19. With a view to ensuring adequate time for the proper consideration by the Third Committee of draft proposals, delegations are encouraged to circulate their draft texts as early as possible.

20. In this connection, delegations are invited to take into account the general guidelines agreed upon in General Assembly resolution 45/175 regarding the submission of draft proposals, as set out below: 7/

6/ Sub-items (a), (b) and (c) to be discussed jointly.

7/ Reference to "even" or "odd" years relate to calendar years.

Item 1. Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2. Elimination of racism and racial discrimination

Annual

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

Report of the Committee on the Elimination of Racial Discrimination

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

Biennial

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (even years)

Status of the International Convention on the Elimination of All Forms of Racial Discrimination (even years)

Item 3. Right of peoples to self-determination

Annual

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantees and observance of human rights

Universal realization of the right of peoples to self-determination

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of people to self-determination (to be considered biennially after the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries)

Item 4. Social development

(a) Questions relating to the world social situation and to youth, ageing, disabled persons and the family

Annual

World social situation 8/

Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons (biennially after end of Decade in 1992)

Implementation of the International Plan of Action on Ageing and related activities (biennially after 1993)

Biennial

Achievement of social justice (even years)

Policies and programmes involving youth (even years)

National experience in promoting the cooperative movement (even years)

Popular participation in its various forms as an important factor in development and in the full realization of all human rights (odd years)

Implementation of the Guiding Principles for Development, Social Welfare Policies and Programmes in the Near Future (odd years)

International Literacy Year (odd years)

International Year of the Family, 1994 (1993, 1994; thereafter, biennially, if necessary)

8/ (1992) General debate on the basis of the report of the Economic and Social Council.

(1993) Report on the world social situation and report of the Commission for Social Development.

(1994) General debate on basis of the report of the Economic and Social Council.

(1995) Interim report on the world social situation and report of the Commission for Social Development.

Quinquennial

Anniversary of the Declaration on Social Progress and Development (even years)

(b) Crime prevention and criminal justice

Biennial

International cooperation in combating organized crime (even years)

Crime prevention and criminal justice (odd years)

Quinquennial

Congress on the Prevention of Crime and the Treatment of Offenders (1995)

Item 5. Advancement of women

Annual

Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women

Improvement of the status of women in the Secretariat

Biennial

Convention on the Elimination of All Forms of Discrimination against Women (even years)

International Research and Training Institute for the Advancement of Women (odd years)

United Nations Development Fund for Women (odd years)

National experience relating to the improvement of the situation of women in rural areas (odd years)

Item 6. Narcotic drugs

Annual

Implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances

International action to combat drug abuse and illicit trafficking

Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking (1992) 9/

United Nations International Drug Control Programme (1992) 9/

Biennial

Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (even years)

Item 7. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

(a) Report of the United Nations High Commissioner for Refugees

Annual

Office of the United Nations High Commissioner for Refugees

(b) Questions relating to refugees, returnees and displaced persons

Annual

International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa

International Conference on Central American Refugees

Assistance to refugees, returnees and displaced persons in Africa

(c) Humanitarian questions

Biennial

New international humanitarian order (even years)

Promotion of international cooperation in the humanitarian field (even years)

Humanitarian assistance to victims of natural disasters and similar emergency situations (even years)

9/ To be reviewed at the forty-seventh session of the General Assembly.

Item 8. Human rights questions

(a) Implementation of human rights instruments

Annual

Effective immplementation of international instruments on human rights, including reporting obligations under international instruments of human rights

International Convention on the Protection of the Rights of all Migrant Workers and their Families (Mexico) (biennial after entry into force of the convention)

Biennial

Convention on the Rights of the Child (even years)

Report of the Committee against Torture and Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (even years)

United Nations Voluntary Fund for Victims of Torture (even years)

Status of the Convention on the Prevention and Punishment of the Crime of Genocide (even years)

International Covenants on Human Rights (odd years)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Annual

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Right to development

Elimination of all forms of religious intolerance

Question of enforced or involuntary disappearances (biennially after the adoption of a declaration thereon)

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

Enhancing the effectiveness of the principle of periodic and genuine elections

World conference on human rights

Strengthening the Centre for Human Rights of the Secretariat

Non-discrimination and protection of minorities (1992) 9/

Human rights and extreme poverty (1992) 9/

International Year for the World's Indigenous People (1992, 1993 and 1994)

Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity [to be determined]

Biennial

Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States (even years)

Summary or arbitrary executions (even years)

Development of public information activities in the field of human rights (even years)

International cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms (even years)

Regional arrangements for the promotion and protection of human rights (even years)

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific regions (even years)

United Nations Voluntary Fund for Indigenous Populations (even years)

Human rights and mass exoduses (odd years)

Human rights in the administration of justice (odd years)

Human rights and scientific and technological progress (odd years)

National institutions for the protection and promotion of human rights (odd years)

(c) Human rights situations and reports of special rapporteurs and representatives

ANNEX II

DRAFT BIENNIAL PROGRAMME OF WORK OF THE
THIRD COMMITTEE FOR 1992-1993

1992 10/

Item 1. Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Documentation

Relevant chapters of the report of the Economic and Social Council on questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2. Elimination of racism and racial discrimination

Documentation

Relevant chapter of the report of the Economic and Social Council (resolution 46/___) (draft resolution A/C.3/46/L.9/Rev.1, para. 24)

Report of the Committee on the Elimination of Racial Discrimination (resolutions 2106 A (XX) and 46/___) (draft resolution A/C.3/46/L.8, para. 11)

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (resolutions 2106 A (XX) and 45/89)

Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (resolution 46/___) (draft resolution A/C.3/46/L.8, paras. 10 and 11)

Report of the Special Rapporteur on adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa (resolution 45/84)

Report of the Secretary-General on the activities relating to the Second Decade to Combat Racism and Racial Discrimination (resolution 46/___) (draft resolution A/C.3/46/L.9/Rev.1, paras. 16 and 24)

10/ The programme of work and documentation for 1992 will be revised in the light of the relevant decisions taken by the Economic and Social Council in 1992.

Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (resolution 3380 (XXX) and draft resolution A/C.3/46/L.11, para. 11)

Report of the Ad Hoc Working Group of Experts on Southern Africa (Economic and Social Council decision 1991/237)

Item 3. Right of peoples to self-determination

Documentation

Report of the Secretary-General on the universal realization of the right of peoples to self-determination (resolution 46/___) (draft resolution A/C.3/46/L.12, para. 6)

Report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination (resolution 46/___) (draft resolution A/C.3/46/L.13/Rev.1, para. 10)

Item 4. Social development 11/

(a) Questions relating to the world social situation and to youth, ageing, disabled persons and the family 12/ 13/ 14/

Documentation

Relevant chapter of the report of the Economic and Social Council

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11/ General debate on the world social situation to be held on the basis of the report of the Economic and Social Council.

12/ In its resolution 46/___ (draft resolution A/C.3/46/L.5, para. 4), the General Assembly recommended that it devote four plenary meetings, that is, two working days, at its forty-seventh session to an international conference on ageing to consolidate a set of targets on ageing for the year 2001 and to celebrate on an appropriate global scale the tenth anniversary of the adoption of the International Plan of Action on Ageing.

13/ In its resolution 46/___ (draft resolution A/C.3/46/L.19, para. 19), the General Assembly invited special observance of the International Day for the Elderly on 1 October 1992, the tenth anniversary of the World Assembly on Ageing.

14/ In its resolution 46/___ (draft resolution A/C.3/46/L.21/Rev.1, para. 14), the General Assembly decided to devote four of its plenary meetings at its forty-seventh session to mark, at the appropriate global level, the conclusion of the United Nations Decade of Disabled Persons.

In its resolution 46/___ (draft resolution A/C.3/46/L.21/Rev.1, para. 19), the General Assembly requested the Economic and Social Council at its next session to give its views on the continuation of the Voluntary Fund for the United Nations Decade of Disabled Persons, with new terms of reference in response to General Assembly resolution 45/91 to submit its recommendations to the Assembly at its forty-seventh session.

In its resolution 46/___ (draft resolution A/C.3/46/L.62, para. 5), the General Assembly called upon the Economic and Social Council, after considering the report of the Secretary-General requested by Council decision 1991/230 on the possibility of convening a world summit for social development, to make an appropriate recommendation to the General Assembly at its forty-seventh session.

Report of the Secretary-General on the status and role of cooperatives in the light of new economic and social trends (resolution 44/58, para. 4)

Report of the Secretary-General on the implementation of the policies and programmes involving youth (resolution 45/103, para. 14)

Report of the Secretary-General on the implementation of the International Plan of Action on Ageing: integration of the elderly in development (resolution 46/___) (draft resolution A/C.3/46/L.19, para. 22)

Report of the Secretary-General on the implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons (resolution 46/___) (draft resolution A/C.3/46/L.21/Rev.1, para. 21)

(b) Crime prevention and criminal justice

Documentation

Relevant chapter of the report of the Economic and Social Council on international cooperation in combating organized crime (resolution 44/71, para. 3, and resolution 45/123, para. 3)

Report of the Secretary-General on measures taken to implement the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme (resolution 46/___) (draft resolution A/46/703, chap. II, sect. A)

Report of the Secretary-General on the implementation of the resolution on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (resolution 46/___) (draft resolution A/C.3/46/L.67, para. 3)

Item 5. Advancement of women

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Committee on the Elimination of Discrimination against Women

Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women (resolution 45/124, para. 4)

Report of the Administrator of the United Nations Development Programme on the United Nations Development Fund for Women (resolution 46/___) (A/C.3/46/L.14)

Report of the Secretary-General on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women (resolution 46/___) (draft resolution A/C.3/46/L.15, para. 30)

Report of the Secretary-General on a comprehensive study of the barriers to the advancement of women and an action programme for the advancement of women in the Secretariat for the period 1991-1994 (resolution 46/___) (draft resolution A/C.3/46/L.17, para. 5)

Item 6. Narcotic drugs

Documentation

Relevant chapter of the report of the Economic and Social Council on:

- Appointment of a Coordinator for the United Nations Decade against Drug Abuse, 1991-2000 (resolution 46/___) (draft resolution A/C.3/46/L.32, sect. I, para. 11)

- Economic and social consequences of illicit trafficking in narcotic drugs, psychotropic substances (resolution 46/___) (draft resolution A/C.3/46/L.32, sect. II, para. 3)

Report of the Secretary-General on the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (resolution 45/146, para. 7)

Annual report of the Secretary-General on the implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances (resolutions 46/___ and 46/___) (draft resolutions A/C.3/46/L.31, para. 5, and A/C.3/46/L.22, para. 4)

Report of the Secretary-General on international action to combat drug abuse and illicit trafficking (resolution 46/___) (draft resolution A/C.3/46/L.32, sect. I, para. 23)

Report of the Secretary-General on the United Nations International Drug Control Programme (resolution 46/___) (draft resolution A/C.3/46/L.33, para. 11)

Item 7. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

(a) Report of the United Nations High Commissioner for Refugees

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the United Nations High Commissioner for Refugees

(b) Questions relating to refugees, returnees and displaced persons

Documentation

Report of the Secretary-General on the international Conference on Central American Refugees (resolution 46/___) (draft resolution A/C.3/46/L.29, para. 12)

Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (resolution 46/___) (draft resolution A/C.3/46/L.30, para. 11)

(c) Humanitarian questions

Documentation

Report of the Secretary-General on humanitarian assistance to victims of natural disasters and similar emergency situations (resolution 45/100, para. 8)

Report of the Secretary-General on a new international humanitarian order (resolution 45/101, para. 5)

Item 8. Human rights questions

(a) Implementation of human rights instruments

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Committee against Torture (resolution 39/46)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 46/___) (draft resolution A/C.3/46/L.45)

Report of the Human Rights Committee

Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (resolution 45/152, para. 5)

Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, to contain the following:

(a) Financing and adequate staffing resources for the operations of human rights treaty bodies (resolution 46/___) (draft resolution A/C.3/46/L.41, para. 6 (b));

(b) Financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies (resolution 46/___) (draft resolution A/C.3/46/L.41, para. 10)

[(c) Conclusions and recommendations of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights (resolution 46/___) (draft resolution A/C.3/46/L.41, para. 14)]

Report of the Committee on the Rights of the Child (resolutions 44/25 and 46/___) (draft resolution A/C.3/46/L.42, para. 10)

Report of the Secretary-General on the status of the Convention on the Rights of the Child (resolution 46/___) (draft resolution A/C.3/46/L.42, para. 14)

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 46/___) (draft resolution A/C.3/46/L.52, para. 6)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the development of public information activities (resolution 45/99, para. 16)

Report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (see decision 45/433)

Report of the Preparatory Committee for the World Conference on Human Rights (resolutions 45/155 and 46/___) (draft resolution A/C.3/46/L.26*, para. 8)

Report of the Secretary-General on the state of the regional arrangements for the promotion and protection of human rights (resolution 45/167, para. 10)

Report of the Secretary-General on the views of Member States on General Assembly resolution 43/124 regarding the impact of property on the enjoyment of human rights and fundamental freedoms (see decision 45/427)

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (resolution 45/168, para. 8)

Report of the Secretary-General on the preparation of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (resolution 46/___) (draft resolution A/C.3/46/L.3/Rev.1, para. 2)

Report of the Secretary-General on the developments relating to the activities of the Centre for Human Rights and on the measures to implement General Assembly resolution 46/___ (resolution 46/___) (draft resolution A/C.3/46/L.36, para. 3)

Report of the Secretary-General on the activities of the organizations of the United Nations system on the implementation of the Declaration on the Right to Development (resolution 46/___) (draft resolution A/C.3/46/L.46, para. 8)

Report of the Secretary-General on human rights and mass exoduses (resolution 46/___) (draft resolution A/C.3/46/L.55, paras. 20-23)

Report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (resolution 46/___) (draft resolution A/C.3/46/L.60, para. 11)

Report of the Secretary-General on the implementation of the resolution on the Organization's experience in and recommendations for providing electoral assistance to requesting Member States, on the detailed guidelines and terms of reference being developed for United Nations electoral involvement and on the nature and disposition of the requests from Member States (resolution 46/___) (draft resolution A/C.3/46/L.61/Rev.1, para. 18)

Questions for consideration for which no advance documentation has been requested

Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social developemnt of Member States (resolution 45/98, para. 6)

International cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms (resolution 45/169, para. 9)

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (resolution 46/___) (draft resolution A/C.3/46/L.34/Rev.1, para. 13)

Human rights and extreme poverty (resolution 46/___) (draft resolution A/C.3/46/L.39/Rev.1, para. 6)

Elimination of all forms of religious intolerance (resolution 46/___) (draft resolution A/C.3/46/L.63)

(c) Human rights situations and reports of special rapporteurs and representatives

Relevant chapter of the report of the Economic and Social Council on:

- Situation of human rights in Iraq (resolution 46/___) (draft resolution A/C.3/46/L.53, para. 8)

- Situation of human rights in Afghanistan (resolution 46/___) (draft resolution A/C.3/46/L.58, para. 21)

Questions for consideration for which no advance documentation has been requested

Situation in Myanmar (resolution 46/___) (draft resolution A/C.3/46/L.43, para. 4)

Situation of human rights and fundamental freedoms in El Salvador (resolution 46/___) (draft resolution A/C.3/46/L.51, para. 10)

1993 15/

Item 1. Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Documentation

Relevant chapters of the report of the Economic and Social Council on questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2. Elimination of racism and racial discrimination

Documentation

Relevant chapter of the report of the Economic and Social Council (resolution 46/___) (draft resolution A/C.3/46/L.9/Rev.1, para. 24)

Report of the Committee on the Elimination of Racial Discrimination (resolutions 2106 A (XX) and 46/___) (draft resolution A/C.3/46/L.8, para. 11)

Report of the Secretary-General on the activities relating to the Second Decade to Combat Racism and Racial Discrimination (resolution 46/___) (draft resolution A/C.3/46/L.9/Rev.1, para. 24)

Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (resolution 3380 (XXX) and draft resolution A/C.3/46/L.11, para. 11)

Item 3. Right of peoples to self-determination

No advance documentation requested.

Item 4. Social development

(a) Questions relating to the world social situation and to youth, ageing, disabled persons and the family

Documentation

Relevant chapter of the report of the Economic and Social Council

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15/ The programme of work and documentation for 1993 will be revised in the light of the relevant decisions taken by the Economic and Social Council in 1993.

Report of the world social situation (resolutions 44/56 and 46/___) (draft resolution A/C.3/46/L.20)

Report of the Secretary-General on the progress achieved in the implementation of and follow-up action to the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future (resolution 46/___) (draft resolution A/C.3/46/L.4, para. 13)

Report of the Secretary-General on the International Year of the Family (resolution 46/___) (draft resolution A/C.3/46/L.6, para. 14)

(b) Crime prevention and criminal justice

Documentation

Relevant chapter of the report of the Economic and Social Council on, inter alia, international cooperation in combating organized crime (resolutions 44/71, para. 3, and 45/123, para. 3)

Item 5. Advancement of women

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Committee on the Elimination of Discrimination against Women

Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women (resolution 45/124, para. 4)

Report of the Secretary-General on the improvement of the situation of women in rural areas (resolution 44/78, para. 4)

Annual report of the Secretary-General on progress and future strategies to implement action programmes on the status of women in the Secretariat (resolution 44/75, para. 6)

Report of the Administrator of the United Nations Development Programme on the United Nations Development Fund for Women (resolution 46/___) (draft resolution A/C.3/46/L.14)

Report of the Secretary-General on the United Nations International Research and Training Institute for the Advancement of Women (resolution 46/___) (draft resolution A/C.3/46/L.16, para. 9)

Item 6. Narcotic drugs

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (resolution 45/146, para. 7)

Annual report of the Secretary-General on the implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances (resolution 46/___) (draft resolution A/C.3/46/L.31, para. 5)

Item 7. Report of the United Nations High Commissioner for Refugees, questions relating to refugees and displaced persons and humanitarian questions

(a) Report of the United Nations High Commissioner for Refugees

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the United Nations High Commissioner for Refugees

(b) Questions relating to refugees, returnees and displaced persons

(c) Humanitarian questions

Documentation

Item 8. Human rights questions

(a) Implementation of human rights instruments

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Committee against Torture (resolution 39/46)

Report of the Human Rights Committee

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (resolution 46/___) (draft resolution A/C.3/46/L.49, para. 18)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (resolution 36/151)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Documentation

Relevant chapter of the report of the Economic and Social Council, inter alia, on:

- Popular participation in its various forms as an important factor in development and in the full realization of all human rights (resolution 44/53, para. 2)

Report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (see decision 45/433)

Report of the Secretary-General on human rights in the administration of justice (resolution 46/___) (draft resolution A/C.3/46/L.38, para. 9)

Report of the Secretary-General on national institutions for the protection and promotion of human rights (resolution 46/___) (draft resolution A/C.3/46/L.48, para. 15)

Questions for consideration for which no advance documentation has been requested

Human rights and scientific and technological progress (resolution 46/___) (draft resolution A/C.3/46/L.54, para. 6)

Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (resolution 46/___) (draft resolution A/C.3/46/L.59)

(c) Human rights situations and reports of special rapporteurs and representatives

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Agenda item 92

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-sixth session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 93 at its 3rd to 12th, 20th, 40th and 49th meetings, from 7 to 11 and on 14, 15 and 23 October and 13 and 25 November 1991. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/46/SR.3-12, 20, 40 and 49).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Economic and Social Council, chapter IV, section A (A/46/3 and Add.1); 1/

(b) Report of the Committee on the Elimination of Racial Discrimination (A/46/18); 2/

1/ To be issued as Offical Records of the General Assembly, Forty-sixth Session, Supplement No. 3 (A/46/3/Rev.1).

2/ To be issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 18 (A/46/18).

(c) Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/46/391);

(d) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/46/447);

(e) Note by the Secretary-General on the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination contained in document E/1991/39 (A/46/465);

(f) Note verbale dated 6 May 1991 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/46/166-E/1991/71);

(g) Note verbale dated 21 May 1991 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/46/184-E/1991/81);

(h) Letter dated 5 August 1991 from the Permanent Representative of Vanuatu to the United Nations addressed to the Secretary-General (A/46/344);

(i) Letter dated 23 September 1991 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/46/493);

(j) Letter dated 27 September 1991 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/46/501/Rev.1);

(k) Note by the Coordinator of United Nations Activities under the Second Decade to Combat Racism and Racial Discrimination (A/C.3/46/2).

4. At the 3rd meeting, on 7 October, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made an introductory statement on the item (see A/C.3/46/SR.3).

5. At the 8th meeting, on 11 October, the Under-Secretary-General for Human Rights made a statement (see A/C.3/46/SR.8).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/46/L.8

6. At the 20th meeting, on 23 October 1991, the representative of Yugoslavia, on behalf of Algeria, Australia, Bangladesh, Bulgaria, Colombia, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Hungary, Iceland, India, Mexico, Morocco, the Netherlands, Nicaragua,

Nigeria, Pakistan, Poland, Sweden, Senegal, the Union of Soviet Socialist Republics, Vanuatu, Venezuela, Norway and Yugoslavia introduced a draft resolution (A/C.3/46/L.8), entitled "Report of the Committee on the Elimination of Racial Discrimination". Subsequently, Canada, Ghana and New Zealand joined in sponsoring the draft resolution.

7. At its 40th meeting, on 13 November, the Committee adopted the draft resolution without a vote (see para. 16, draft resolution I).

B. Draft resolution A/C.3/46/L.11

8. At the 20th meeting, on 23 October 1991, the representative of Zambia, on behalf of Algeria, Angola, Cuba, Ethiopia, Iran (Islamic Republic of), Mali, Namibia, the Sudan, the United Republic of Tanzania, Yemen, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/46/L.11) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid". Subsequently, Burkina Faso, Iraq, the Libyan Arab Jamahiriya, Mozambique, Uganda and Viet Nam joined in sponsoring the draft resolution.

9. At the 40th meeting, on 13 November, the representative of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Community) made a statement in explanation of vote before the vote.

10. At the same meeting, the Committee adopted the draft resolution by a recorded vote of 96 to 1, with 36 abstentions (see para. 16, draft resolution II). The voting was as follows: 3/

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, St. Kitts and

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3/ The representatives of Burkina Faso, Cameroon, Rwanda, Senegal, Sierra Leone and Vanuatu stated that had they been present, they would have voted in favour of the draft resolution. The representative of Niger said that due to mechanical malfunction, her affirmative vote had not been recorded.

Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

11. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Brazil, the United States of America, the Union of Soviet Socialist Republics, Australia and New Zealand.

C. Draft resolution A/C.3/46/L.9

12. At the 20th meeting, on 23 October, the representative of Ethiopia, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution (A/C.3/46/L.9) entitled "Second Decade to Combat Racism and Racial Discrimination".

13. At the 49th meeting, on 25 November, the Committee had before it a revised draft resolution (A/C.3/46/L.9/Rev.1) submitted by Gabon on behalf of the same sponsors. Operative paragraph 18 of draft resolution A/C.3/49/L.9 which read:

> "18. Calls upon Governments to encourage positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by maintaining existing measures against South Africa until there is clear evidence of profound and irreversible change;"

was revised in draft resolution A/C.3/46/L.9/Rev.1 to read:

> "18. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by maintaining effective and sustained international pressure against South Africa;'

14. At the same meeting, the Committee adopted the revised draft resolution without a vote (see para. 16, draft resolution III).

15. After the adoption of the draft resolution, statements were made by the representatives of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Community) and Iceland (on behalf of Denmark, Finland, Iceland, Norway and Sweden). The representatives of the United States of America and Israel stated that they did not participate in the adoption of the revised draft resolution.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, 4/ as well as its other relevant resolutions on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, 5/

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Reiterating once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially the elimination of the system of apartheid in South Africa,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

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4/ Resolution 2106 A (XX), annex.

5/ Resolution 38/14, annex.

Recalling the urgent appeals made by the Secretary-General, the General Assembly, the meetings of States parties to the Convention and the Committee itself to the States parties to honour their financial obligations under the Convention,

Expressing its appreciation for the efforts of the members of the Committee to explore ways and means to overcome the Committee's current financial crisis,

Having considered the report of the Secretary-General on the financial situation of the Committee, 6/

1. Expresses its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations;

2. Expresses once again its concern that such a situation may lead to a further delay in the discharge of the substantive obligations of the Committee under the Convention;

3. Commends the Committee for its work with regard to the implementation of the Convention and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

4. Takes note with appreciation of the report of the Committee on the work of its thirty-ninth and fortieth sessions; 7/

5. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention, to submit in due time their periodic reports on measures taken to implement the Convention and to pay their outstanding contributions and, if possible, their contributions for 1992 before 1 February 1992, so as to enable the Committee to meet regularly;

6. Strongly appeals to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention;

7. Invites the Secretary-General to continue to explore the possibilities of establishing a more secure basis for future financing of all the costs of the Committee, taking in the account the views and proposals of States parties, submitted in accordance with paragraph 7 of General Assembly resolution 45/88 of 14 December 1990;

6/ A/46/447.

7/ A/46/18.

8. Calls upon the States parties, as a matter of priority, to consider all possibilities of establishing a more secure basis for the future financing of all the costs of the Committee;

9. Notes that the Secretary-General has proposed in his report that the States parties at their next meeting should consider the question of the establishment of a "contingency reserve fund"; 8/

10. Requests the Secretary-General to invite those States parties that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-seventh session;

11. Decides to consider at its forty-seventh session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.

DRAFT RESOLUTION II

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/69 of 8 December 1989 and 45/90 of 14 December 1990,

Mindful that the International Convention on the Suppression and Punishment of the Crime of Apartheid 9/ constitutes an important international treaty in the field of human rights and serves to implement the ideals of the Universal Declaration of Human Rights, 10/

Reaffirming its conviction that apartheid is a crime against humanity and constitutes a total negation of the purposes and principles of the Charter of the United Nations and a gross violation of human rights, seriously threatening international peace and security,

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8/ A/46/447, para. 4.

9/ Resolution 3068 (XXVIII), annex.

10/ Resolution 217 A (III).

Condemning the abhorrent policy and system of apartheid and the repression it engenders, which continue to aggravate the situation in South Africa,

Emphasizing that the root cause of the conflict in southern Africa is apartheid and the racist regime's policy of destabilization against the front-line and other neighbouring States,

Deeply concerned at the continued collaboration of certain States and transnational corporations with the racist regime of South Africa, particularly in the political, economic, military and other fields, as an encouragement of its odious policy of apartheid,

Convinced that universal ratification of or accession to the Convention and the immediate implementation of its provisions will contribute to the eradication of the crime of apartheid,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 11/

2. Commends those States parties to the Convention that have submitted their reports under article VII thereof;

3. Calls upon all States whose transnational corporations continue to do business with South Africa to take appropriate steps to terminate their dealings with South Africa;

4. Requests the Commission on Human Rights to intensify, in cooperation with the Special Committee against Apartheid, its efforts to compile and update periodically the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

5. Requests the Secretary-General to circulate that list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication;

6. Also requests the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

11/ A/46/391.

7. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the racist regime with a view to promoting further ratification of or accession to the Convention;

8. Underlines the importance of the universal ratification of the Convention, which would be an effective contribution to the fulfilment of the ideals of the Universal Declaration of Human Rights and other human rights instruments;

9. Appeals once again to those States that have not yet done so to ratify or to accede to the Convention without further delay;

10. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

11. Also requests the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

DRAFT RESOLUTION III

Second Decade to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming its objective set forth in the Charter of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling the Universal Declaration of Human Rights, 12/ the International Convention on the Elimination of All Forms of Racial Discrimination, 13/ the International Convention on the Suppression and Punishment of the Crime of Apartheid, 14/ and the Convention against

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12/ Resolution 217 A (III).

13/ Resolution 2106 A (XX), annex.

14/ Resolution 3068 (XXVIII), annex.

Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, 15/

Recalling also its resolution 3057 (XXVIII) of 2 November 1973, on the first Decade for Action to Combat Racism and Racial Discrimination, and its resolution 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling further the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Bearing in mind the Report of the Second World Conference to Combat Racism and Racial Discrimination, 16/

Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives of the Decade, through its adoption of a Declaration 17/ and an operational Programme of Action 17/ for the Second Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recalling in particular its resolution 45/105 of 14 December 1990,

Emphasizing once again the necessity of attaining the objectives of the Second Decade to Combat Racism and Racial Discrimination,

Having considered the note by the Secretary-General and his report submitted within the framework of the implementation of the Programme of Action for the Second Decade,

Firmly convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

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15/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Eleventh Session, Resolutions, p. 119.

16/ United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

17/ Ibid., chap. II.

Regretting that certain activities of the Second Decade scheduled for the period 1985-1989 have not been implemented owing to a lack of financial resources,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and their families,

Welcoming the adoption by the General Assembly during its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 18/

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 19/ unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

1. Declares once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Decides that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the latter part of the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid, especially in South Africa and in occupied territories and territories under alien domination;

3. Appeals to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

4. Takes note of the report of the Secretary-General containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, as well as

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18/ Resolution 45/158, annex.

19/ Resolution S-16/1, annex.

United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

5. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

6. Welcomes the publication of the global compilation of national legislation against racism and racial discrimination 20/ and requests the Secretary-General to transmit it to Governments as soon as possible;

7. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

8. Welcomes the progress made in preparing model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, and requests the Secretary-General to finalize the text of the model legislation and the handbook of recourse procedures for victims of racial discrimination and to publish and distribute those texts as soon as possible;

9. Renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

10. Requests the Secretary-General to publish the study of the Special Rapporteur and of the Subcommission on Prevention of Discrimination and Protection of Minorities on the results achieved and obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade, 21/ and distribute it on as wide a scale as possible;

11. Considers that all the parts of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination should receive equal attention in order to attain the objectives of the Second Decade;

12. Regrets that part of the programme for the period 1983-1989 has not yet been implemented because of lack of adequate resources, as indicated in

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20/ HR/PUB/1990/8.

21/ A/45/525, annex.

the report of the Secretary-General to the Economic and Social Council at its first regular session of 1991; 22/

13. Requests the Secretary-General to implement immediately those activities scheduled for the period 1985-1989 not yet carried out and to proceed with the implementation of the activities of the biennium 1990-1991;

14. Affirms once again the need for the implementation of the plan of activities proposed for the period 1990-1993 contained in the annex to General Assembly resolution 42/47;

15. Requests the Secretary-General, pursuant to General Assembly resolutions 42/47, 44/52 and 45/105, to ensure that the necessary and additional resources are included in the programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade;

16. Also requests the Secretary-General to inform the General Assembly of the steps taken in regard to the provisions of paragraph 15 above;

17. Further requests the Secretary-General to continue to accord the highest priority, in executing the plan of activities, to measures for combating apartheid;

18. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 19/ in particular by maintaining effective and sustained international pressure against South Africa;

19. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and their families and to include regularly in his reports all information on such workers;

20. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the period 1990-1993 and not yet carried out, by intensifying and broadening their efforts to bring about the speedy elimination of apartheid and all forms of racism and racial discrimination;

21. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

22. Notes with regret that the present situation of the Trust Fund is not encouraging;

22/ E/1991/39.

23. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

24. Takes note of the report of the Secretary-General on the activities of the Second Decade and reiterates its request to him and to the Economic and Social Council, throughout the Decade, to submit annually to the General Assembly a report containing, inter alia:

(a) An enumeration of the activities undertaken or contemplated to achieve the objectives of the Second Decade, including the activities of Governments, United Nations bodies, the specialized agencies and other international and regional organizations, as well as non-governmental organizations;

(b) A review and appraisal of those activities;

(c) Its suggestions and recommendations;

25. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of the highest priority at its forty-seventh session.

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Agenda item 93

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-sixth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee considered this item jointly with item 92 at its 3rd to 12th, 20th, 35th and 40th meetings, from 7 to 11 and on 14, 15 and 23 October and 8 and 13 November 1991. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/46/SR.3-12, 20, 35 and 40).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Note by the Secretary-General transmitting the preliminary report of the Special Rappporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/46/459);

(b) Note verbale dated 6 May 1991 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/46/166-E/1991/71);

(c) Note verbale dated 21 May 1991 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/46/184-E/1991/81);

(d) Letter dated 7 July 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/46/292-S/22769);

(e) Letter dated 9 July 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/46/294);

(f) Note verbale dated 15 July 1991 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/46/304-S/22796);

(g) Letter dated 5 August 1991 from the Permanent Representative of Vanuatu to the United Nations addressed to the Secretary-General (A/46/344);

(h) Letter dated 27 September 1991 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/46/501/Rev.1);

(i) Letter dated 21 October 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/46/587).

4. At the 3rd meeting, on 7 October 1991, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made an introductory statement on the item (see A/C.3/46/SR.3).

5. At the 4th meeting, on 8 October, the Committee heard an introductory statement by the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (see A/C.3/46/SR.4).

6. At the 8th meeting, on 11 October, the Under-Secretary-General for Human Rights made a statement (see A/C.3/46/SR.8).

II. CONSIDERATION OF PROPOSALS

A. Draft resolutions A/C.3/46/L.10 and Rev.1

7. At the 20th meeting, on 23 October 1991, the representative of Ethiopia, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution (A/C.3/46/L.10) entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights", which read as follows:

"The General Assembly,

"Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

"Reaffirming also the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

"Reaffirming further the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

"Recalling its resolution 1514 (XV) and all relevant resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Considering the urgent need of Namibia for assistance in its efforts to reconstruct and strengthen its fledgling economic and social structures,

"Welcoming the adoption at Harare on 21 August 1989 of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa 1/ and its subsequent endorsement by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 2/ as well as the report of the Monitoring Group of the Ad Hoc Committee of the Organization of African Unity on Southern Africa, 3/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 4/ adopted by the General Assembly on 14 December 1989,

"Taking note of the Declaration AHG/Decl.4 (XXVII) on South Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-seventh ordinary session, held at Abuja, Nigeria, from 3 to 5 June 1991,

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1/ A/44/697, annex.

2/ See A/44/551-S/20870, annex.

3/ A/44/963, annex.

4/ Resolution S-16/1, annex.

"Reaffirming that the system of apartheid imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a constant threat to international peace and security,

"Deeply concerned that in spite of the national peace accords signed on 14 September 1991, acts of assassination of members and leaders of national liberation movements in South Africa are still continuing,

"Welcoming its resolution 44/244, adopted by consensus on 14 September 1990, in which, inter alia, it called upon the South African regime to abide fully by the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

"Noting that, while some significant political measures in the right direction have been undertaken by the apartheid regime, apartheid is still in place,

"Noting with concern that political trials and the detention of political activists continue unabated in South Africa and in total disregard of the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

"Welcoming the decisions by the national liberation movements to work towards unity, as evidenced in the agreement to convene the patriotic front conference,

"Deeply concerned about the current wave of violence in South Africa resulting from the continued existence of apartheid policies, practices and structures as well as from actions of those forces opposed to the democratic transformation of the country,

"Gravely concerned about the apartheid regime's continued use of the death penalty against South African patriots, with contemptuous disregard for appeals for clemency from the international community, including the General Assembly,

"Noting with grave concern that despite the efforts by the Government towards a negotiated settlement of the conflict in Mozambique, there continues to be a senseless war, which has claimed a high toll in human lives and destruction of property,

"Reaffirming with profound indignation the acts of aggression and destabilization perpetrated by the Pretoria regime against the People's Republic of Angola,

"Reaffirming the national unity and territorial integrity of the Comoros,

"Recalling the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine, 5/

"Considering that the continuation of the Israeli oppressive measures and denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine constitute a serious threat to international peace and security,

"Bearing in mind United Nations resolutions related to the question of Palestine and the rights of the Palestinian people,

"Deeply concerned and alarmed at the deplorable consequences of Israel's acts of aggression against Lebanon and its practices in and its continuing occupation of parts of southern Lebanon, as well as its refusal to implement the relevant resolutions of the Security Council, in particular resolution 425 (1978) of 19 March 1978,

"1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

"2. Reaffirms the legitimacy of the struggle in all its forms of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means;

"3. Reaffirms also the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

"4. Calls upon those Governments that do not recognize the right to self-determination and independence of all people still under colonial domination, alien subjugation and foreign occupation to do so;

"5. Calls upon Israel to refrain from the constant deliberate violations of the fundamental rights of the Palestinian people, which constitute an obstacle to the achievement of self-determination and independence by the Palestinian people and the ongoing efforts towards comprehensive peace in the region;

5/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.2), chap. I.

"6. Urges all States, the specialized agencies and organizations of the United Nations system, as well as other international organizations, to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

"7. Urgently appeals to all States, the United Nations system and other international organizations to assist in the reconstruction and economic development of Namibia;

"8. Reaffirms its rejection of the so-called "new constitution" as null and void, and reiterates that peace in South Africa can be guaranteed only by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

"9. Strongly urges the apartheid regime to respond positively to the provisions of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa, 1/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa; 4/

"10. Determines that the South African racist regime must take additional steps to implement the profound and irreversible changes called for in the Declaration on Apartheid;

"11. Welcomes the signing of the national peace accord on 14 September 1991 by the African National Congress, Inkatha Freedom Party and the South African regime as a significant contribution towards the ending of political violence in South Africa;

"12. Calls for an immediate end to violence and calls upon the South African regime to take urgent action through, inter alia, strict adherence to the national peace accord to end it;

"13. Strongly condemns the establishment and use of armed terrorist groups by South Africa with a view to pitting them against the national liberation movements and destabilizing the legitimate Governments of southern Africa;

"14. Again demands the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries that maintain military and nuclear cooperation with the racist Pretoria regime and continue to supply it with related matériel;

"15. Deeply concerned with the actions by certain countries whose premature relaxation of existing measures against the South African regime in flagrant violation of the United Nations consensus declaration

encourages the regime to persist in its oppression of the black majority for their right to self-determination;

"16. Strongly urges the international community, pursuant to General Assembly resolution 45/130, to continue to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees;

"17. Commends the Government of Angola for its political will, diplomatic flexibility and constructive spirit in the search for a negotiated solution to the problems of southern Africa;

"18. Demands that the Pretoria regime continue to respect the sovereignty and territorial integrity of Angola and the principle of non-interference in the internal affairs of that State, and demands the immediate payment of compensation to Angola for damages caused, in accordance with the relevant decisions and resolutions of the Security Council;

"19. Demands that the racist regime of South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 on the capital of Botswana;

"20. Commends the efforts by the Government of Mozambique towards a negotiated settlement of the conflict in that country, and calls for immediate cessation of the massacres of defenceless people and the destruction of economic and social infrastructures perpetrated by externally supported armed terrorists;

"21. Takes note with appreciation of Security Council resolution 690 (1991) of 29 April 1991, approving the Secretary-General's report on a referendum on self-determination to be held in Western Sahara and supports the Secretary-General's efforts for the implementation of the plan on the question of Western Sahara in cooperation with the Organization of African Unity;

"22. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

"23. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

"24. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through national liberation movements recognized by the Organization of African Unity;

"25. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

"26. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 6/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

"27. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

"28. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

"29. Decides to consider this question at its forty-seventh session under the item entitled 'Right of peoples to self-determination'."

8. At the 35th meeting, on 8 November, the representative of Gabon, on behalf of the same sponsors, introduced a revised draft resolution (A/C.3/46/L.10/Rev.1) and orally revised it as follows:

(a) In operative paragraph 4, the word "people" was replaced by the word "peoples";

(b) In operative paragraph 15, the words "Deeply concerned" were replaced by the words "Expresses its deep concern".

9. At the same meeting, the representative of Israel made a statement.

10. At the 40th meeting, on 13 November, the representative of Israel made a statement in explanation of vote before the vote. Statements were also made by the representatives of Egypt and Algeria.

6/ Resolution 217 A (III).

11. At the same meeting, the Committee adopted the revised draft resolution, as orally revised, by a recorded vote of 93 to 21, with 27 abstentions (see para. 21, draft resolution I). The voting was as follows: 7/

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Qatar, St. Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

Against: Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Panama, Poland, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: Albania, Australia, Austria, Belarus, Costa Rica, El Salvador, Estonia, Fiji, Greece, Hungary, Ireland, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Malta, New Zealand, Papua New Guinea, Paraguay, Portugal, Republic of Korea, Spain, Turkey, Ukraine, Union of Soviet Socialist Republics and Uruguay.

12. After the adoption of the revised draft resolution, statements in explanation of vote were made by the representatives of Panama, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Community), Uruguay, Brazil, Canada, Venezuela, Hungary, Poland (also on behalf of Czechoslovakia), Japan, Chile, the United States of America, Paraguay, El Salvador, Australia, Honduras, Ukraine, New Zealand, the Union of Soviet Socialist Republics, Romania and Belarus. The observer for Palestine made a statement.

7/ The representatives of Burkina Faso, Cameroon, Rwanda and Vanuatu stated that had they been present they would have voted in favour of the draft resolution.

B. Draft resolution A/C.3/46/L.12

13. At the 20th meeting, on 23 October 1991, the representative of Pakistan, on behalf of Botswana, Brunei Darussalam, Chile, Colombia, Costa Rica, Djibouti, Ecuador, Guatemala, the Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, the Sudan, Thailand, the United Arab Emirates and Vanuatu, introduced a draft resolution (A/C.3/46/L.12) entitled "Universal realization of the right of peoples to self-determination". Subsequently, Cape Verde, joined in sponsoring the draft resolution.

14. At its 40th meeting, on 13 November, the Committee adopted the draft resolution without a vote (see para. 21, draft resolution II).

15. After the adoption of the draft resolution, the representative of India made a statement.

C. Draft resolution A/C.3/46/L.13/Rev.1

16. At the 20th meeting, on 23 October 1991, the representative of Nigeria, on behalf of Angola, Colombia, Cuba, Mexico, Nigeria, Peru, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/46/L.13) entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination", which read as follows:

"The General Assembly,

"Recalling all its resolutions on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination, and the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 8/

"Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

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8/ Resolution 2625 (XXV), annex.

"Convinced that the use of mercenaries is a threat to international peace and security,

"Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

"Profoundly alarmed at the continued international criminal activities carried out by mercenaries in collusion with drug traffickers,

"Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

"Recalling all of its relevant resolutions, as well as those of the Security Council, the Economic and Social Council and the Organization of African Unity, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements,

"Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

"Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

Welcoming the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 9/ and the fulfilment of the provisions of paragraph 2 of Commission on Human Rights resolution 1991/29 of 5 March 1991 10/ as reflected in the preliminary report of the Special Rapporteur of the Commission on Human Rights, 11/

9/ Resolution 44/34, annex.

10/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

11/ A/46/459, annex.

"1. Notes with appreciation the note by the Secretary-General 12/ transmitting the preliminary report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

"2. Condemns the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

"3. Reaffirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

"4. Strongly condemns the use of groups of armed mercenaries by South African racist movements to carry out acts of aggression and intimidation against the black majority and to fight the dismantling of apartheid;

"5. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

"6. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation;

"7. Calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

"8. Reaffirms that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

12/ A/46/459.

"9. Urges all States to take early action to sign, accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in order to expedite the coming into force of that Convention;

"10. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in the preliminary report of the Special Rapporteur of the Commission on Human Rights."

17. At the 35th meeting, on 8 November, the representative of Nigeria, on behalf of Angola, Colombia, Cuba, Ghana, Mexico, Nigeria, Peru, the United Republic of Tanzania, Zambia and Zimbabwe, subsequently joined by Sierra Leone, introduced a revised draft resolution (A/C.3/46/L.13/Rev.1) and orally revised operative paragraph 10, which read:

"10. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in the report of the Special Rapporteur of the Commission on Human Rights.";

to read:

"10. Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in his report.".

18. At the 40th meeting, on 13 November, statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Community) and Viet Nam.

19. At the same meeting, the Committee adopted the revised draft resolution, as orally revised, by a recorded vote of 106 to 11, with 29 abstentions (see para. 21, draft resolution III). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania,

Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Rwanda, St. Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanauatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belarus, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Malta, New Zealand, Norway, Paraguay, Poland, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics.

20. After the adoption of the revised draft resolution, statements were made by the representatives of Brazil, Canada, Turkey, the United States of America, Australia, the Union of Soviet Socialist Republics and El Salvador.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming also the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming further the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling its resolution 1514 (XV) and all relevant resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering the urgent need of Namibia for assistance in its efforts to reconstruct and strengthen its fledgling economic and social structures,

Welcoming the adoption at Harare on 21 August 1989 of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa 13/ and its subsequent endorsement by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 14/ as well as the report of the Monitoring Group of the Ad Hoc Committee of the Organization of African Unity on Southern Africa, 15/ and the Declaration on Apartheid and its Destructive

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13/ A/44/697, annex.

14/ See A/44/551-S/20870, annex.

15/ A/44/963, annex.

Consequences in Southern Africa, 16/ adopted by the General Assembly on 14 December 1989,

Taking note of the Abuja Declaration on South Africa, AHG/Decl.4 (XXVII), adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-seventh ordinary session, held at Abuja, Nigeria, from 3 to 5 June 1991, 17/

Reaffirming that the system of apartheid imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a threat to regional peace and security,

Deeply concerned that in spite of the national peace accords signed on 14 September 1991, acts of assassination of members and leaders of national liberation movements in South Africa are still continuing,

Recalling its resolution 44/244, adopted by consensus on 14 September 1990, in which, inter alia, it called upon the South African regime to abide fully by the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

Noting that, while some significant legal and political measures in the right direction have been undertaken by the apartheid regime, apartheid is still in place,

Noting with concern that political trials and the detention of opponents of apartheid continue in South Africa and in total disregard of the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

Welcoming the decisions by the national liberation movements to work towards unity, as evidenced in the agreement to convene the patriotic front conference,

Deeply concerned about the current wave of violence in South Africa resulting from the continued existence of apartheid policies, practices and structures as well as from actions of those forces opposed to the democratic transformation of the country,

Gravely concerned that a number of South African patriots remain on death row,

Noting with grave concern that despite the efforts by the Government towards a negotiated settlement of the conflict in Mozambique, there continues

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16/ Resolution S-16/1, annex.

17/ A/46/390, annex II.

to be a senseless war, which has claimed a high toll in human lives and destruction of property,

Reaffirming the national unity and territorial integrity of the Comoros,

Recalling the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine, 18/

Considering that the continuation of the Israeli oppressive measures and denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine constitute a serious threat to international peace and security,

Bearing in mind United Nations resolutions related to the question of Palestine and the rights of the Palestinian people,

Deeply concerned and alarmed at the deplorable consequences of Israel's acts of aggression against Lebanon and its practices in and its continuing occupation of parts of southern Lebanon, as well as its refusal to implement the relevant resolutions of the Security Council, in particular resolution 425 (1978) of 19 March 1978,

1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. Reaffirms the legitimacy of the struggle in all its forms of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means;

3. Reaffirms also the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

4. Calls upon those Governments that do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so;

5. Calls upon Israel to refrain from the constant deliberate violations of the fundamental rights of the Palestinian people, which constitute an

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18/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I.

obstacle to the achievement of self-determination and independence by the Palestinian people and the ongoing efforts towards comprehensive peace in the region;

6. Urges all States, the specialized agencies and organizations of the United Nations system, as well as other international organizations, to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

7. Urgently appeals to all States, the United Nations system and other international organizations to assist in the reconstruction and economic development of Namibia;

8. Reaffirms its rejection of the so-called "tri-cameral constitution" of 1983 as null and void, and reiterates that peace in South Africa can be guaranteed only by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

9. Strongly urges the apartheid regime to respond positively to the provisions of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa, 13/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa; 16/

10. Determines that the South African racist regime must take additional steps to implement fully the profound and irreversible changes called for in the Declaration on Apartheid;

11. Welcomes the signing of the national peace accord on 14 September 1991 by the African National Congress of South Africa, the Inkatha Freedom Party and the South African regime as a significant contribution towards the ending of political violence in South Africa;

12. Calls for an immediate end to violence and calls upon the South African regime to take urgent action to end it through, inter alia, strict adherence to the national peace accord;

13. Strongly condemns the establishment and use of armed terrorist groups by South Africa with a view to pitting them against the national liberation movements and destabilizing the legitimate Governments of southern Africa;

14. Again demands the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries that maintain military and nuclear cooperation with the racist Pretoria regime and continue to supply it with related matériel;

15. Expresses its deep concern about the actions by certain countries whose premature relaxation of existing measures against the South African regime in flagrant violation of the United Nations consensus declaration encourages the regime to persist in its oppression of the black majority with regard to their right to self-determination;

16. Strongly urges the international community, pursuant to General Assembly resolution 45/130 of 14 December 1990, to continue to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees;

17. Commends the Government of Angola for its political will, diplomatic flexibility and constructive spirit in the search for a negotiated solution to the problems of southern Africa;

18. Demands that the Pretoria regime continue to respect the sovereignty and territorial integrity of Angola and the principle of non-interference in the internal affairs of that State, and demands the immediate payment of compensation to Angola for damages caused, in accordance with the relevant decisions and resolutions of the Security Council;

19. Demands that the racist regime of South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 on the capital of Botswana;

20. Commends the efforts by the Government of Mozambique towards a negotiated settlement of the conflict in that country, and calls for immediate cessation of the massacres of defenceless people and the destruction of economic and social infrastructures perpetrated by externally supported armed terrorists;

21. Takes note with satisfaction of Security Council resolution 690 (1991) of 29 April 1991, approving the Secretary-General's report on the holding of a referendum for the self-determination of Western Sahara 19/ and fully supports the Secretary-General in his efforts to implement the plan for the settlement of the question of Western Sahara in cooperation with the Organization of African Unity;

22. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

23. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

19/ S/22464 and Corr.1.

24. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through national liberation movements recognized by the Organization of African Unity;

25. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

26. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 20/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

27. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

28. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

29. Decides to consider this question at its forty-seventh session under the item entitled "Right of peoples to self-determination".

20/ Resolution 217 A (III).

DRAFT RESOLUTION II

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 21/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth, 22/ thirty-seventh, 23/ thirty-eighth, 24/

21/ See resolution 2200 A (XXI), annex.

22/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

23/ Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

24/ Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

thirty-ninth, 25/ fortieth, 26/ forty-first, 27/ forty-second, 28/ forty-third, 29/ forty-fourth, 30/ forty-fifth, 31/ forty-sixth 32/ and forty-seventh sessions, 33/

Reiterating its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989 and 45/131 of 14 December 1990,

Taking note of the report of the Secretary-General,

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories and

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25/ Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

26/ Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

27/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

28/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

29/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

30/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

31/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

32/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

33/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this issue to the General Assembly at its forty-seventh session under the item entitled "Right of peoples to self-determination".

DRAFT RESOLUTION III

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolutions 44/34 and the annex thereto of 4 December 1989 and 45/132 of 14 December 1990 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 34/

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

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34/ Resolution 2625 (XXV), annex.

Convinced that the use of mercenaries is a threat to international peace and security,

Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Profoundly alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling all of its relevant resolutions, as well as those of the Security Council, the Economic and Social Council and the Organization of African Unity, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

Welcoming the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 35/ and the fulfilment of the provisions of paragraph 2 of resolution 1991/29 of 5 March 1991 of the Commission on Human Rights, 36/ as reflected in the report of the Special Rapporteur of the Commission on Human Rights, 37/

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination;

35/ Resolution 44/34, annex.

36/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

37/ A/46/459, annex.

2. Condemns the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

3. Reaffirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. Notes with serious concern the use by the racist South African regime of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States;

5. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

6. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation;

7. Calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

8. Reaffirms that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

9. Calls upon all States which have not yet done so to consider taking early action to accede to or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

10. Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in his report.